

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WALNUT VALLEY UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013010700

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On January 23, 2013, Student filed a Due Process Hearing Request (complaint), naming Walnut Valley Unified School District (District). On February 8, 2013, Student filed an Amended Complaint (amended complaint). District filed a non-opposition on February 11, 2013. The Office of Administrative Hearings (OAH) treats Amended Complaints as Motions to Amend and Proposed Amended Complaints.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The District has consented to the amended complaint. The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: February 13, 2013

/s/

MARGARET BROUSSARD

Administrative Law Judge

Office of Administrative Hearings